

COMMITMENTS CONCERNING THE USE AND DEVELOPMENT OF REAL ESTATE

Indiana Members Credit Union (the "Developer") or its Assigns, makes the following commitments to the Westfield City Council and Westfield-Washington Plan Commission (collectively, the "City") regarding the use and development of the following described real estate located in Hamilton County, Indiana:

Section 1. **Description of Real Estate:**

See attached Exhibit "A" (hereinafter, the "Real Estate").

Section 2. **Docket No.: 0712-REZ-06**

Section 3. **Statement of Commitments:**

A. Building Elevations and Facades.

- (1) All buildings constructed on the Real Estate shall include a minimum of eight (8) exterior corners per 6,000 square feet of gross floor area;
- (2) All buildings constructed on the Real Estate shall include similar roof lines and pitches as that of the Indiana Members Credit Union structure.

B. Pedestrian and Bicycle Facilities.

- (1) In order to provide for construction of the Midland Trace Trail (the "Trail"), the Developer shall take the following actions:
 - i. ~~Quitclaim~~ Dedicate to the City the portion of the Real Estate formerly part of the Central Indiana Railroad right-of-way (the "Trail Property");
 - ii. Provide the City with a certified survey of the Trail Property;
 - iii. Install (the "Installation Option"), or cause the installation of, the Trail on the Trail Property to the City's specifications and standards, as amended, OR pay (the "Payment Option") \$75 per linear foot to the City for the cost (the "Construction Costs") of constructing the portion of the Trail to be built on the Trail Property;
 - iv. If the Installation Option is selected, ~~quitclaiming~~ dedication of the Trail Property shall occur prior to approval of a Development Plan application on the Real Estate (as defined in WC 16.04.165) and the Trail shall be installed in coordination with the City's construction schedule for the Trail. ~~at the time of development of the Real Estate;~~
 - v. If the Payment Option is selected, payment of the Construction Costs and ~~quitclaiming~~ dedication of the Trail Property shall occur prior to the approval of a Development Plan application on the Real Estate (as defined in WC 16.04.165).

C. Site Amenities and Improvements.

- (1) Crosswalks within paved parking areas and abutting internal drives shall be articulated by color or texture change;

- (2) One (1) bicycle parking space for 2,500 square feet of commercial space (office or retail) shall be provided on the Real Estate;
- i. Bicycle parking shall be provided within six hundred (600) feet from the main entrance of the building served;
 - ii. Bicycle parking spaces shall include a fixed and permanent structure, frame, rack, or other permanent facility for locking and securing parked bicycles.

D. Site Access and Circulation.

- (1) An access easement traversing the property east to west shall be located south of the northern outlot, as depicted on the attached concept plan (**Exhibit "B"**);
- (2) Such easement shall be recorded with the Hamilton County Recorder's Office prior to receiving a Certificate of Occupancy.

E. Permitted Uses.

- (1) **See attached Exhibit "C".**

Section 4. Binding Effect

- A. These commitments are binding upon the Developer, each subsequent owner of the Real Estate and each other person acquiring an interest in the Real Estate, unless modified or terminated.
- B. These commitments may be modified or terminated only by a majority decision of the Westfield City Council.

Section 5. Effective Date

The commitments contained herein shall be effective upon adoption of an ordinance by the City Council of Westfield, Indiana assigning the requested GB zoning district classification to the Real Estate identified in Docket No. 0712-REZ-06.

Section 6. Recording

The undersigned hereby authorizes the City to record these commitments in the Office of the Recorder of Hamilton County, Indiana.

Section 7. Enforcement

These commitments may be enforced by the City Council of Westfield, Indiana.

IN WITNESS WHEREOF, Indiana Members Credit Union, has caused this commitment to be executed as of the _____ day of _____, 2008.


By: _____,

Indiana Members Credit Union

Legal Description

Part of the Northeast Quarter of Section 5, Township 18 North, Range 04 East of the Second Principal Meridian, Washington Township, Hamilton County, Indiana, being more particularly described as follows:

Commencing at an iron pin marking the Southwest corner of the Southeast Quarter of Section 32, Township 19 North, Range 04 East; thence on the South line of said Quarter Section, South $89^{\circ}47'02''$ East (assumed bearing) a distance of 114.51 feet (calculated from government record calls) to the Northwest corner of the Northeast Quarter of Section 5, Township 18 North Range 04 East and the POINT OF BEGINNING of the herein described real estate; thence continuing on the North line of said Section 5, South $89^{\circ}47'02''$ East 258.08 feet; thence parallel with the West line of the Northeast Quarter of said Section 5, South $00^{\circ}32'57''$ West ~~993.59~~ feet to a point which lies 25.00 feet South, by perpendicular measurement, of the former northerly right-of-way line of the Central Indiana Railroad Company (now abandoned); thence North $88^{\circ}57'16''$ West, parallel with said northerly right-of-way line, 119.99 feet; thence North $00^{\circ}32'57''$ East 25.00 feet to the Southeast corner of land described in a deed to Lyman Brooks, as recorded in Instrument Number 9609644704 in the Office of the Recorder of Hamilton County, Indiana; thence on and along the South line of said Brooks land, also being the northerly right-of-way line of said railroad the following two (2) courses: 1) North $88^{\circ}57'16''$ West 87.55 feet to a point in the West line of said Northeast Quarter Section; 2) continuing North $88^{\circ}57'16''$ West 50.53 feet to the Southwest corner of said Brooks land; thence on the West line of said Brooks, North $00^{\circ}32'55''$ East ~~964.85~~ feet to the Point of Beginning; containing a gross area of 5.796 acres, more or less, and a net area, less the State Road #32 right-of-way, of 5.500 acres, more or less; subject to rights-of-way, easements and restrictions.



ROBERT E. BEAMAN #3778

PROPOSED OUT LOT PLAN
S-02



[illegible]

Zoning Districts All Inclusive Land Usage Chart	GO			GB												
Land Use	Permitted Uses	Special Exceptions	Permitted Home Occupations	Permitted Uses	Special Exceptions	Permitted Home Occupations	Ginny Kelleher	Cindy Spolaric	Bob Smith	Daniel Degnan	Pete Emigh	Robert Spraeitz	William Sanders	Robert Horkay	Rob Stokes	
Concrete Mixing - Permanent				•				X						X		
Consumer Service Offices					•			X								
Convents, Monasteries, Theological Schools, Rectories and Parish Houses								X								
Crating and packaging service																
Credit Union Offices				•			X	X						X		
Creosote manufacturing and treatment																
Custard Stands				•				X								
Dancing Schools				•				X						X		
Data Processing				•				X						X		
Day Care Centers					•		X	X								
Day care facilities	•						X	X						X		
Delicatessen				•			X	X						X		
Dentists				•			X	X						X		
Department Stores - Over 10,000 Sq. Ft.				•												
Department Stores - Under 10,000 Sq. Ft.				•			X	X								
Discount Stores - Over 10,000 Sq. Ft.				•												
Discount Stores - Under 10,000 Sq. Ft.				•				X								
Distributors - inside storage																
Distributors - Outside Storage																
Dressmaking																
Drive-in food and beverages business				•												
Drug Stores				•			X	X								
Dry Cleaning & Laundry Pickup				•			X	X						X		
Educational Institutions Public and Private				•				X						X		
Electrical contractors - heavy commercial																
Electrical supply store				•				X								
Embalming school				•										X		
Employment Agencies				•				X						X		
Engineering and Research Labs																
Exhibition Halls				•												
Explosive, matches and fireworks manufacturing																
Exterminators				•												
Fabric Shops				•				X								
Farm implement sales and service				•												
Farms and Farm Bldgs for Livestock and Crops																
Fat rendering and fertilizer manufacturing																
Feed stores				•												
Financial institutions	•						X	X								
Fire Stations				•			X	X						X		
Floor Coverings				•				X								
Florists				•			X	X						X		
Foundries																
Four-unit single family attached dwellings																
Fraternalities and Lodges					•											
Frozen food stores and lockers				•												
Fruit Stands, Permanent				•												
Fruit stands, temporary				•												
Furniture Stores				•				X								
Furrier Shops				•				X						X		
Galleries				•			X	X						X		
Garden and lawn materials and supply stores				•												
Gasoline service stations				•	•											
General business and professional offices	•						X	X								
General construction company					•											
Gift Shops				•			X	X						X		
Glass fabrication and installation																
Glue manufacturing																
Golf Courses																
Golf Courses, Country Clubs																
Government offices - universities				•				X						X		
Granaries, Grain Processing, Starch Manufacturing																
Greenhouses, Retail				•												
Grocery Stores				•												
Hardware Stores				•			X									
Hazardous waste facility																
Health, Fitness, and Exercise Center				•			X	X								
Heliports				•												
Hobby Shops				•			X	X								
Home Garage Sales not to exceed 7 days per year																
Home remodeling company				•										X		
Home remodeling supplies and materials				•												
Homebound Schools for 12 or less children inclusive of residents																
Hospices							X									
Hospitals (minor), medical and dental clinics and labs				•			X	X						X		
Hospitals, Major				•												
Ice and coal stations																
Industrial laundry and dry cleaning plants																

[illegible]

Zoning Districts All Inclusive Land Usage Chart	GO			GB												
Land Use	Permitted Uses	Special Exceptions	Permitted Home Occupations	Permitted Uses	Special Exceptions	Permitted Home Occupations	Ginny Kelleher	Cindy Spoljaric	Bob Smith	Daniel Degnan	Pete Emigh	Robert Spraez	William Sanders	Robert Horkay	Rob Stokes	
Nurseries - Plants, Retail				●				X								
Nurseries, Greenhouses, Truck Gardens, Farms or related products produced and sold on-site					●		X									
Nursing Homes																
Office building - general purpose				●			X	X						?		
Office/warehouse buildings		●														
Oil processing, refining and manufacturing																
Open hearths and blast furnaces																
Optometrists				●			X	X						X		
Outdoor Advertising Signs, Mfg. and Construction																
Outdoor theatres					●											
Paint and Wallpaper Stores				●				X								
Painting and decorating contractors - heavy commercial																
Personal Motor Vehicle Sales not to exceed 2 / year																
Pet Grooming				●			X	X								
Pet Obedience Schools				●			X	X								
Pet Shops				●			X	X								
Pharmaceutical, Medicine, & Cosmetic Mfg.																
Philanthropic Institutions				●				X						X		
Photography School				●				X						X		
Photography Studio				●			X	X						X		
Photography Supplies				●				X						X		
Physicians				●			X	X						X		
Picture Framing				●			X	X						X		
Plumbing contractors - heavy commercial																
Plumbing showrooms and shop				●				X								
Police stations				●			X	X						X		
Post offices				●			X	X						?		
Printing and Photocopying, Small Jobs				●			X	X						X		
Private Clubs, Lodges																
Production of Concrete Blocks, Shapes, Cinder Blocks, etc.																
Production of emulsified asphalt and preparation of asphaltic concrete paving materials																
Professional and technical schools				●			X	X						X		
Professional Office of Clergyman, lawyer, architect, accountant, or counselor							X	X								
Public and Private Camps																
Public or Private Schools	●							X								
Public or Private Schools with Dormitories																
Public Parks							X									
Public Parks							X									
Radio and TV service				●				X								
Radio, Facsimile, TV, Micro-Wave Towers																
Railroad and other mass transit right of way and track																
Raising Animals for biological purposes																
Raising animals for furs and pets																
Raising Animalss for furs or pets																
Raising small																
Real estate offices	●			●			X	X						X		
Recycling collector system																
Reduction plants																
Repairing, Servicing or Refurbishing equipment or parts, exculding motor vehicles																
Residential Facility for the Mentally Ill in accordance with IC 12-26-4-7																
Restaurants - drive-in and carry out food and beverage stores																
Restaurants and Cafeterias Having Less Than 50% of Gross Sales Derived From Food Sales Excluding Drive-Ins				●												
Restaurants and Cafeterias Having More Than 50% of Gross Sales Derived From Food Sales Excluding Drive-Ins				●			X							X		
Restaurants With Live Entertainment				●												
Riding Academies																
Riding Stables																
Rock crushing, grinding or milling																
Roller & Ice Skating Rinks				●												
Roofing contractors - heavy commercial																
Root Beer Stands				●				X								
Salt storage outside					●											
Sand, gravel, or aggregate processing																
Sanitariums				●				X								
Schools - Public or Private - without dormitory accommodations																
Schools and Kindergartens				●				X								
Scrap metal, junk or salvage storage																
Secondary Food Processing and Packaging & (Initially Processed off the Premises)																
Self service food and beverage business																
Self-Service Car Wash				●												
Semi-Automatic Car Wash				●												
Septic system contractors																
Sewing Machine Sales & Service				●				X								
Sheet metal contractors - heavy commercial																
Shoe Repair				●			X	X						X		
Shoe Stores				●			X	X								
Signs as permitted by Ordinance																
Single Family Dwellings																

Zoning Districts All Inclusive Land Usage Chart							GO		GB																
Land Use	Permitted Uses	Special Exceptions	Permitted Home Occupations	Permitted Uses	Special Exceptions	Permitted Home Occupations	Ginny Kelleher	Cindy Spoljaric	Bob Smith	Daniel Degnan	Pete Ernigh	Robert Spraeitz	William Sanders	Robert Horkay	Rob Stokes										
Single Family Dwellings on Large Lots																									
Single Family with minimum SF4 standards																									
Slaughter house																									
Slaughtering and allied food processing																									
Sporting Goods				●				X																	
Stables (3 acres or more in size)																									
Stamping & Fabricating Metal Shops																									
Stationery Stores				●			X	X																X	
Stockyards - for shipping, holding and sale of animals																									
Storage and transfer (household goods)																									
Storm doors, windows, awnings, siding contractors - manufacture																									
Structural Steel Fabricating																									
Tar, tar paper products - manufacture and processing																									
Taverns					●																				
Taxidermist																									
Taylor or Seamstress				●				X																	
Teaching - Such as musical instruments or dancing																									
Temporary buildings for construction purposes																									
Tennis & Swim Clubs				●																					
Tennis and swimming clubs																									
Tennis Facilities				●																					
Testing laboratories																									
Theaters - Indoor				●																					
Thermal, electric, steam and atomic power plants																									
Three-unit single family attached dwellings																									
Tire and auto service center				●																					
Tire recapping																									
Tobacco Shops				●				X																X	
Tool and light equipment rental				●																					
Toy Stores				●				X																	
Trailer Rentals					●																				
Travel Bureaus				●			X	X															X		
Travel Trailer Sales & Rentals					●																				
Truck cleaning, service, rental and repair																									
Truck companies																									
Two-unit single family attached dwellings																									
Typewriter Sales, Rental and Service				●			X	X																	
Typing or other office services								X																	
Upholsters				●																					
Utilities - Not Regulated by Indiana Utility Regulatory Commission																									
Utilities (as regulated by IURCor Westfield)																									
Utilities-Regulated by Indiana Utility Regulatory Commission																									
Veterinarians - Small Animals, No Outdoor Runs				●			X	X																	
Warehouse - inside storage																									
Warehousing & Distribution Operations (Outside Storage)																									
Wearing Apparel & Accessory Shops							X	X																	
Well Drilling																									
Wholesalers - inside storage																									
Wireless communication service facilities (including cell towers)																									
Zoos																									
	10	2	0	152	27	0	67	115	0	0	0	0	0	0	0	0	0	0	59	0					
							41%	71%	0%	0%	0%	0%	0%	0%	0%	0%	0%	36%	0%						